

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE BOYCE

Plaintiff,

MEMORANDUM AND ORDER

-against-

Civil Action No.

CV-05-1596 (DGT)

ALLIED INTERSTATE, INC.

Defendant.

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TRAGER, District Judge

On September 8, 2005, pursuant to Federal Rule of Civil Procedure 72(a), defendant filed an objection to Magistrate Judge Wall's August 25, 2005 order ("the order"), and asked that it be set aside. The order granted plaintiff's request for a protective order allowing him to turn over an audio tape of a telephone conversation between plaintiff and a representative of the defendant only after defendant's deposition.

Federal Rule of Civil Procedure 72(a) requires that "[t]he district judge to whom the case is assigned shall consider [objections filed pursuant to Rule 72(a)] and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law." No part of the order meets this standard. The order is based on an appropriate legal analysis and Judge Wall's determination is well within his discretion.

Accordingly, it is hereby

ORDERED that Judge Wall's August 25, 2005 order is upheld.

Dated: Brooklyn, New York
September 28, 2005

SO ORDERED:

_____/s/
David G. Trager
United States District Judge